IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 26772 of 2006(K)

PETITIONER:

ABDUL KHADER K.E., S/O. IBRAHIM,
KALLENKUDIYIL HOUSE, PERINGALA P.O.,
PALLIKKARA, ERNAKULAM DISTRICT.

BY ADV. SRI.H.HAMZA ROWTHER
SRI.V.K.PEERMOHAMED KHAN

RESPONDENTS:

---

1. THE KERALA FINANCIAL CORPORATION
HEAD OFFDICE AT THIRUVANANTHAPURAM
REPRESENTED BY ITS MANAGING DIRECTOR,
HEAD OFFICE AT VELLAYAMBALAM,
THIRUVANANTHAPURAM.

2. THE CHIEF MANAGER, KERALA FINANCIAL
CORPORATION, BRANCH OFFICE, ERNAKULAM,
1ST FLOOR, FINANCE TOWERS,
KALOOR, ERNAKULAM, KOCHI-17.

BY ADV. SRI.M.M.SAYED MUHAMMED, SC, KFC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.26772 of 2006

.....

Dated this the 24th day of November, 2006.

JUDGMENT

The claim of the petitioner is for one time settlement benefit. However, it is seen from the statement filed by KFC that petitioner was granted OTS benefit way back in 2001 itself and petitioner could have settled liability by paying Rs.6 lakhs on or before 30.3.2001. Again, the benefit was extended to the petitioner in 2005 which was also not availed by the petitioner. I do not find any justification to interfere in the matter because the petitioner will not and does not want to discharge the liability at all. Since the Corporation has again extended the benefit on condition of payment of 10.5% interest on OTS amount, it is for the petitioner to pay it and avail the same or otherwise, the Corporation is free to forfeit the OTS benefits and proceed for recovery of entire arrears. I make it clear that petitioner can pay Rs.6 lakhs with simple interest at 10.5% on the said amount from 1.4.2001 to 31.12.2006, if payment is made before 31.12.2006 and on failure, OTS benefit will stand forfeited and Corporation can proceed for recovery of arrears. If petitioner makes payment voluntarily, no collection charges should be recovered from the petitioner. In such situation, Government also should not recover collection charges from the Corporation.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms